

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed February 1, 2005. Claims 1-39 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-39. The present response leaves for the Examiner's consideration claims 1-39. Reconsideration and withdrawal of the rejections are respectfully requested.

CLAIM OBJECTIONS

The Applicant is required to provide the US patent number and the issue date listed on page 1 of the specification.

The patent listed on page 1 of the specification was issued as US Patent No. 6,660,177 on Dec. 9, 2003.

DOUBLE PATENTING

Claims 1-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24, 31, and 33-54 of U.S. Patent No. 6,660,177 in view of *Seo et al.* (hereinafter, *Seo*).

A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is filed herewith to overcome the provisional rejection over claims 1-39 based on a non-statutory double patenting ground, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-12, 16-20, 35 and 37 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Fleming et al.* (hereinafter, *Fleming*), U.S. Patent No. 5,000,771.

To anticipate a claim, every element of the claim must be disclosed within a single reference. *Fleming* teaches smoothing the surface of a refractory material by

vaporization using extreme thermal heat (several thousand degrees centigrade) generated by a plasma fireball, which is by nature a physical process and no reactive species is used. In contrast, the present invention in independent claims 1, 35 and 37 shapes or cleans a surface of a workpiece by adding or depositing material (instead of vaporizing as in *Fleming*) to the surface. In addition, the reactive atom plasma processing in claims 1, 35 and 37 is by nature a process of chemical reactions between the material and the surface rather than a physical process as in *Fleming*. *Fleming* therefore cannot anticipate claims 1, 35 and 37. Since claims 2-12 and 16-20 depend on claim 1, *Fleming* cannot anticipate claims 1-12, 16-20, 35 and 37 for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

Claims 1, 19, 36, 38 and 39 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Seo*, U.S. Patent No. 6,534,921.

Seo teaches a method of removing metal-containing polymeric material and ion implanted or plasma damaged photoresist from a surface using a plasma jet system. In contrast, the present invention in independent claims 1, 36, 38 and 39 shapes (or redistributes a material on) a surface of a workpiece by adding or depositing (vs. removing in *Seo*) the material to the surface using a plasma torch (vs. a plasma jet in *Seo*). In addition, the present invention does not limit the material to only those in *Seo* as listed above. *Seo* therefore cannot anticipate claims 1 36, 38 and 39. Since claims 19 depends on claim 1, *Seo* cannot anticipate claims 1, 19, 36, 38 and 39 for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fleming* (U.S. Patent No. 5,000,771) in view of *Seo* (U.S. Patent No. 6,534,921).

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. As discussed in the previous section, neither *Fleming* nor *Seo* teaches shaping a surface of a workpiece by adding material on the surface as in independent claim 1 of the present invention (*Fleming* teaches vaporizing while *Seo* teaches removing the material from the surface). Thus, *Fleming* in view of *Seo* cannot render claim 1 obvious. Since claims 13-15 depend on claim 1, *Fleming* in view of *Seo* cannot render claims 13-15 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

CONCLUSION

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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